

MMC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 DEC 26 AM 11:36

UNITED STATES OF AMERICA,

Plaintiff,

v.

Felipe FRANCO-Guillen,

Defendant

Magistrate Docket No.

07 MJ 2978

COMPLAINT FOR VIOLATION OF:


DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **December 21, 2007** within the Southern District of California, defendant, **Felipe FRANCO-Guillen**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF DECEMBER,
2007


 Leo S. Papas

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Felipe FRANCO-Guillen

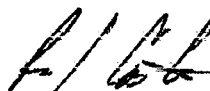
PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On 12/21/2007, Senior Patrol Agent J. Dee was patrolling an area known as Mission Road. This area is in the proximity of the Tecate, California Port of Entry and 1/2 mile north of the international border with Mexico. At approximately 5:30 p.m., Agent Dee responded to a sensor activation in his area of responsibility. Agent Dee arrived at the location and observed a vehicle going in reverse. Agent Dee stopped behind the vehicle and began to approach it. Agent Dee observed that there were several occupants in the vehicle. At this time, Agent Dee decided to approach the vehicle and conduct a field immigration interview on the occupants. An individual later identified as the defendant Felipe FRANCO-Guillen freely admitted to being a citizen and national of Mexico illegally present in the United States. The driver of the vehicle was a United States citizen. Three other occupants in the car also freely admitted to being citizens and nationals of Mexico, not in possession of any immigration documents that would allow them to enter or remain in the United States legally. The defendant and the others were placed under arrest at approximately 5:40 p. m. and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 30, 2007 through El Paso Texas. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 23, 2007 at 10:10 a.m.



Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 21, 2007, in violation of Title 8, United States Code, Section 1326.



Leo S. Papas
United States Magistrate Judge

12/23/07 1029 AM
Date/Time